MONTANA LEGISLATIVE HISTORY

Chapter 123 19 85

Bill H 196 S _____ Original bill & history ✓ C

H. Committee on State Admyn.			S. Committee on Local Gov		
Hearing Date(s)	1-22	✓ C	Hearing Date(s)	3-7	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 196

INTRODUCED BY J. Brown

A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE POPULATION LIMITATION IN THE STATUTE ALLOWING POLITICAL SUBDIVISIONS TO DISPENSE WITH NONPARTISAN PRIMARY ELECTIONS IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 13-14-115, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-14-115, MCA, is amended to read:

"13-14-115. Preparation and distribution of nonpartisan primary ballots. (1) The election administrators shall arrange, prepare, and distribute primary ballots for nonpartisan offices, designated "nonpartisan primary ballots". They shall be arranged as other primary ballots and be without political designation.

(2) The number of nonpartisan primary ballots and sample ballots furnished shall be the same as other primary ballots.

(3) ~~In a political subdivision with a population of 10,000 or less, the~~ The governing body of a political subdivision may determine that a primary need not be held if:

(a) the number of candidates for an office exceeds twice the number to be elected to that office in no more than one-half of the offices on the ballot;

(b) the number of candidates in excess of twice the number to be elected is not more than one for any office on the ballot; and

(c) the governing body passes a resolution not more than 7 days after the close of filing by candidates for election stating that a primary election need not be held."

-End-

LC 0647/01

INTRODUCED BILL
HB 196

STATE OF MONTANA

F I S C A L N O T E

REQUEST NO. FNN119-85

Form BD-15

In compliance with a written request received January 16, 19 85, there is hereby submitted a Fiscal Note for House Bill 196 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

House Bill 196 would abolish the population limitation in the statute allowing political subdivisions to dispense with nonpartisan primary elections in certain circumstances.

FISCAL IMPACT

No fiscal impact. Political subdivisions may achieve cost savings by eliminating an election.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 21, 1985

HB196

2/18	TRANSMITTED TO GOVERNOR		
2/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 33 EFFECTIVE DATE: 10/01/85		

HB 196 INTRODUCED BY J. BROWN
ABOLISH POPULATION LIMITATION FOR DISPENSING WITH NONPARTISAN PRIMARY

1/15	INTRODUCED		
1/15	REFERRED TO STATE ADMINISTRATION		
1/16	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
1/22	HEARING		
1/22	COMMITTEE REPORT-BILL DO PASS		
1/25	2ND READING PASS	94	0
1/26	3RD READING PASS	85	1
	TRANSMITTED TO SENATE		
1/28	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/08	COMMITTEE REPORT-BILL CONCURRED		
3/11	2ND READING CONCURRED	44	0
3/13	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/19	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 123 EFFECTIVE DATE: 10/01/85		

HB 197 INTRODUCED BY QUILICI, HOLLIDAY, ET AL.
INCREASING PENSION PAID TO VOL. FIREFIGHTER'S SPOUSE & DEPENDENT CHILDREN

1/15	INTRODUCED		
1/15	REFERRED TO STATE ADMINISTRATION		
1/16	FISCAL NOTE REQUESTED		
1/19	FISCAL NOTE RECEIVED		
1/23	HEARING		
1/23	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/26	2ND READING PASS	87	0
1/29	3RD READING PASS	100	0
	TRANSMITTED TO SENATE		
1/30	REFERRED TO STATE ADMINISTRATION		
3/07	HEARING		
3/07	COMMITTEE REPORT-BILL CONCURRED		
3/09	2ND READING CONCURRED	48	0
3/12	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/18	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 130 EFFECTIVE DATE: 7/01/85		

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

Forty-Ninth LEGISLATIVE SESSION

COMMITTEE ON State Administration

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 102	1/7	1/15	POSTPONED UNTIL	FURTHER	NOTICE.		(TABLED RE	OF SPONSOR	1/15)
117	1/7	1/15	1/15			1/15			
131	1/10	1/16	1/16	1/16					
134	1/10	1/16	1/16	1/16					
139	1/10	1/16	1/16	1/16					
143	1/11	1/17	1/18	1/18					
146	1/11	1/17-1/21 1/24	1/18		1/18	1/24			
147	1/11	1/17	1/18			1/18			
150	1/11	1/17	1/18	1/18					
153	1/11	1/18	1/18	1/18					
161	1/12	1/18	1/18		1/18				
163	1/14	1/18	1/18			1/18			
167	1/14	1/22	1/22			1/22			
176	1/14	1/22	1/22			1/22			
190	1/15	1/22	1/22		1/22				
196	1/15	1/22	1/22	1/22					

Use a separate sheet for Senate, House Bills, and Resolutions

snowmobiles on lines 5 and 6, line 7, section 23-2-618 and line 8, section 23-2-619. Rep. Asay continued with page 8, line 16, deleting December 31 and reinserting June 30; page 9 line 17, deleting December 31 and reinserting June 30; page 10, section 7, deleting the second paragraph or lines 16-20; page 10, line 13, changing March 1 to May 1.

Rep. Asay said the bill would then only change registration dat es for motor boats and if left as proposed, would affect anyone buuing a new snowmobile in the fall, adversely for registration purposes.

PROPONENTS: Mr. Charles Graveley, County Treasurers Association, said the Association would accept the amendments proposed for snowmobiles although they would prefer the bill in its original state.

There were no otherproponents of the bill and no opponents

DISCUSSION OF HOUSE BILL NO. 167: Rep. Phillips asked the reason for the bill. Mr. Graveley replied current motor boat registrations expire on April 30 of each year when the Treasurers are busiest with personal and real estate property taxes; that they wanted to move registration to a slower period of the year, which would also provide them with the income from boat registrations 4 months earlier.

Rep. O'Connell asked if the snowmobilers were happy with the proposed amendments. Mr. Bob Bushnell, President of the Montana Snowmobile Association replied that the Association is satisfied.

Rep. Peterson asked what the registration year is for boats. Mr. Graveley replied it is May 1 through April 30 for boats and July 1 through June 30 for snowmobiles. He also stated that there is no penalty for failure to register.

Rep. Asay closed without further comment.

Chairman Sales told those present the bill would be considered as amended by the sponsor; however, should additions or changes become necessary he would allow opportunity for same before taking executive action on the bill.

CONSIDERATION OF HOUSE BILL NO. 196: Rep. Jan Brown, District #46, sponsor of the bill, read from a prepared statement Exhibit #3, which stated the purpose of the bill is to allow political subdivisions to dispense with nonpartisan primary elections in certain circu mstances. Rep. Brown said had such a law been in effect it would have saved the City of Helena an expenditure of $7,000 for an unnecessary election in 1983. (Exhibit #4)

PROPONENTS: Mr. Blake Wordal, City Commissioner, Helena, told committee members he was a candidate in the election referred to by Rep. Brown and supports the bill for the sake of larger cities in the state who have nonpartisan primary elections. He said the city of East Helena was able to avoid an election at the same time, since its population is less than 10,000.

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support of the bill, which he said would save dolalrs for about 7 cities in Montana. He said Havre, Anaconda, Missoula and Butte are the few cities who have partisan primary elections.

Mr. Bill Verwolf, City of Helena, told the Committee only a few more than 1060 voted in the 1983 nonpartisan parimary election, at a cost of approximately $6 per person.

Ms. Sue Bartlette, Lewis and County Clerk and Recorder, stated her support of the bill and said only 7% of registered votores turned out for the 1983 primary compared to approximately 23% in other elections. She told the committee that city primaries are held in September of odd numbered years and as the general election is held in November, there would be no longer delay in presenting voters with the issues, should a primary election not be held.

There were no other proponents of the bill and no opponents.

DISCUSSION OF HOUSE BILL NO. 196: Rep. Fritz asked Rep. Brown if the governing body of a city would be in a position to determine that an election need not be held, if all of the candidates were unopposed. Rep. Brown replied they would.

Chairman Sales told Ms. Bartlette he was confused about the two primary dates. Ms. Bartlette replied primaries are held in June during even numbered years and in September during odd numbered years.

Rep. Harbin asked what would happen if a school bond issue were on the ballot during such a primary. Mr. Verwolf replied the bill allows an election to be held by resolution of the city.

Rep. Brown closed her presentation of HB 196.

The Committee then went into executive session.

DISPOSITION OF HOUSE BILL NO. 196: Rep. Harbin moved that HB 196 DO PASS. Rep. Nelson seconded the motion. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 167: Rep. Nelson moved that HB 167 DO NOT PASS, AS AMENDED, seconded by Rep. Fritz.

Rep. Cody said she would vote in favor of the bill if there

CS-34

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Jan 22, 1985

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales			
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul			E
Smith, Clyde	✓		

Please attach to minutes.

STANDING COMMITTEE REPORT

January 22 19 85

MR. SPEAKER:

We, your committee on HOUSE STATE ADMINISTRATION

having had under consideration HOUSE BILL ~~XXX~~ Bill No. 196

FIRST reading copy (WHITE color)

TO ABOLISH THE POPULATION LIMITATION IN THE STATUTE ALLOWING POLITICAL SUBDIVISIONS TO DISPENSE WITH NONPARTISAN PRIMARY ELECTIONS IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 13-14-115, MCA.

Respectfully report as follows: That HOUSE BILL Bill No. 196

DO PASS

Representative ~~XXXXXXXXXXXXXXXX~~ Walter Sales, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

VISITOR'S REGISTER

HOUSE State Administration COMMITTEE

BILL HB 196 DATE 1/22/85

SPONSOR J. Brown

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Blake Wordal	Helena	self	—	
Bill Verwolf	Helena	City of Helena	\	
Alec Hansen	Helena	MT League - Cities & Towns	✓	
Jim Bartlett	Helena	Lewis & Clark Co. Clerk & Rec.	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

House Bill 196
State Administration Committee
1/22/85

Exhibit 3

Mr. Chairman and Members of the Committee:

For the record, I am Jan Brown, House District 46, Helena.

House Bill 196 amends the current law allowing political subdivisions to dispense with nonpartisan primary elections in certain circumstances. The law now only allows political subdivisions with a population of 10,000 or less to do this, and my bill deletes the 10,000 population limit.

I submitted this bill in response to an editorial in the Helena Independent Record after the City of Helena held a primary election on Tuesday, September 13, 1983 in which we had so few candidates that none of them were eliminated from the November ballot.

There were only 7 people on the ballot for the 4 open positions -- 4 for the 2 available City Commission seats; 2 for Mayor, and only 1 for City Judge.

Our County Clerk and Recorder Sue Bartlett has given me a copy of the bill for the election, and it cost the City of Helena $7,022.00 to hold this election that decided nothing.

We in the larger cities would like to have the same right as do the towns of less than 10,000 population so that we may dispense with a non-partisan primary election when it would decide nothing. I'd ask for your support for House Bill 196.

Thank you.

Exhibit 4
Jan. 22, 1985
House 196

05560

THE CITY OF HELENA, Dr.

TO Clerk and Recorder, Lewis and Clark County

MAILING ADDRESS Room 113, City-County Building

All claims against the City of Helena, Montana, must be fully itemized, showing the purchase order number, department ordering merchandise, date of service, or work performed, and be certified, or they will not be allowed for payment. Do not attach your own Bill Head. The City is exempt from payment of federal excise tax.

Date of Service | **Purchase Order Number** _____

		HELENA	
August-Sept. 15, 1983		CITY PRIMARY ELECTION	
		Office Personnel	$ 2500 00
		Election Day Personnel	3408 00
		Advertising	267 00
		Printing	540 00
		Postage	55 00
		Election Supplies	252 00
		PRIMARY SUBTOTAL	$ 7,022 00
October-November, 1983		CITY GENERAL ELECTION	
		Office Personnel	$ 1414 00
		Election Day Personnel	4368 00
		Advertising	281 00
		DISCOUNT	
		TOTAL	

I certify that this claim is correct and just in all respects, and that payment or credit has not been received.

Date 4/5/84

Payee _____
Corporation, Company or Individual

Sign Here Sue Crotty

Title _____
If Representing Corporation or Company

(This certification Need Not Be Verified by Affidavit)

Exhibit 5
Jan 22, 1985
HB 196

1983

Primary election law is nonsense

The City of Helena held an election Tuesday, and most of us — more than 93 percent of the registered voters, in fact — elected not to show up.

You hardly can blame us, un-American as that might sound, because the city's primary election was meaningless.

AN IR VIEW

After all, the basic idea of a primary election is to pare the number of candidates down to a workable size for the general election.

Trouble is, Helena's slate of candidates already was pared down. There were so few candidates that nobody was eliminated from the November ballot; all them still will be there in the general election, asking for our votes all over again.

Meanwhile, lucky Helena taxpayers got to pay an estimated $6,900 for printing primary ballots and hiring election judges.

Things were different back in 1979 (the year Rich Brown was elected mayor) and in 1981 (when eight candidates fought for four general-election ballot places). A primary election was needed, back then, and the turn-out, although never gigantic for Helena primary elections, showed it. Compared to this year's 7 percent primary turn-out, the turn-out was 30 percent in 1979 and 23 percent in 1981.

The question naturally arises: Why did we have to have this year's primary at all? Why didn't we just cancel it?

That's what East Helena did. East Helena's City Council, recognizing that nothing would be gained by having primary election, voted to junk it.

But Helena didn't have that option.

State laws governing non-partisan elections mandate cities to hold primaries. The statutes add, however, that a city with 10,000 or fewer people may cancel its primary if there isn't any reason to hold it.

So, while small cities are allowed to act rationally, Montana's bigger cities are stuck with an election whether they need one or not.

Maybe the Legislature thought it was trying to save small towns money. Maybe it thought little cities don't have important elections. Maybe it didn't think it could trust us city slickers. Or maybe, as is usual in such cases, it just wasn't thinking at all.

Short of going to court to fight the silly law, an action that could cost more than the election itself, what can we do?

We can hope our legislators are listening, that's what.

Surely, somewhere among the hundreds of new laws that will be proposed during the next legislative session, they can find room for a bill giving city folks the same rights enjoyed by their small-town friends.

CHAIRMAN--FULLER, DAVE
NORMAL SCHEDULE==> SITE: ROOM 405 DAYS: TU-TH-SAT TIME: 12:30-2:30 P.M.
SECRETARY-GHILARDI, CHERYL

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0008	1/15	3/05		CONCUR AS AMENDED		3/5
MARKS, ROBERT L. (BOB)			REVISE AND CLARIFY LOCAL GOVERNMENT LAW			
HB0075	3/05	3/14		ADVERSE REPORT		3/14
HANNAH, TOM			COUNTY GOVERNING BODY TO SET SALARIES OF CO. ELECTED OFFICIALS AND DEPUTIES			
HB0076	1/15	1/24		CONCUR		1/24
WILLIAMS, J. MELVIN (MEL)			CHANGING FEE FOR FILING NOTARIAL COMMISSION WITH COUNTY CLERK			
HB0077	1/15	1/24	2/05	CONCUR		2/5
WILLIAMS, J. MELVIN (MEL)			REVISING FEES CHARGED BY THE COUNTY CLERK			
HB0104	1/19	3/05		CONCUR		3/5
MARKS, ROBERT L. (BOB)			ALLOW COUNTY TO PURCHASE WARRANTS OF SCHOOL DISTRICTS AND MUNICIPALITIES			
HB0108	4/03	4/11		CONCUR		4/11
WINSLOW, CAL			RAISE COST TO U.S. AND MONT. OF THEIR PLACING PERSONS IN COUNTY JAIL			
HB0125	1/24	3/05		CONCUR		3/5
PECK, RAY			WITNESS & JUROR FEES TO BE PAID OUT OF COUNTY DISTRICT COURT FUND			
HB0128	1/22	3/05		CONCUR		3/5
KITSELMAN, LES			PROVIDING FOR DISCRETIONARY TERM OF APPOINTMENT TO BOARD OF ADJUSTMENT			
HB0166	2/06	3/07		CONCUR		3/7
SANDS, JACK			REMOVE REQUIREMENT TO POST LIST OF DELINQUENT TAXPAYERS			
HB0196	1/28	3/07		CONCUR		3/7
BROWN, JAN			ABOLISH POPULATION LIMITATION FOR DISPENSING WITH NONPARTISAN PRIMARY			
HB0239	2/22	3/07	3/16	CONCUR AS AMENDED		3/16
WALLIN, NORM			LOCAL GOVERNMENT MULTI-JURISDICTIONAL SERVICE DISTRICTS			

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 7, 1985

The nineteenth meeting of the Local Government Committee was called to order at 1:00 p.m. on March 7, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 166: Representative Jack Sands, District #90, is the sponsor of this bill. The bill was introduced to relieve the county treasurer of the duty to post in three public places the delinquent list of persons and property owing taxes, and requiring the treasurer to post only the notice of tax sale, including a statement that the delinquent list is available for inspection in the treasurer's office.

PROPONENTS

Gordon Morris, representing the Montana Association of Counties, stated his support of the bill.

OPPONENTS

There were no opponents to HB 166.

Chairman Fuller opened the hearing for questions. There were no questions from the Committee regarding HB 166.

ACTION TAKEN ON HOUSE BILL 166: Senator Crippen moved that HB 166 be concurred in. The motion passed unanimously with Senator Regan absent. Senator Crippen will carry the bill.

CONSIDERATION OF HOUSE BILL 196: Representative Jan Brown, District #46, is the sponsor of this bill. The bill was introduced to abolish the population limitation in the statute allowing political subdivisions to dispense with nonpartisan primary elections in certain circumstances.

PROPONENTS

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He said it would be a method of saving money.

Bill Verwolf, representing the City of Helena, stated his support of the bill.

OPPONENTS

There were no opponents to HB 196.

Chairman Fuller opened the hearing for questions. There were no questions from the Committee regarding HB 196.

ACTION TAKEN ON HOUSE BILL 196: Senator McCallum moved that HB 196 BE CONCURRED IN. The motion passed unanimously. Senator Fuller will carry the bill.

CONSIDERATION OF HOUSE BILL 239: Representative Norm Wallin, District #78, is the sponsor of this bill. The bill was introduced to allow for the formation of multi-jurisdictional service districts among municipalities and towns, to provide certain services allowed to be provided by local governments, and providing for the creation, administration, and financing of such districts. Representative Wallin distributed a memo in support of the bill from the Montana League of Cities and Towns. The memo is attached as Exhibit A to these minutes.

PROPONENTS

Bill Verwolf, representing the City of Helena, stated his support of the bill.

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He said the bill would create a system that would guarantee people who use services are the people who pay for them. It would relieve people from outside areas from paying for services they are not receiving. The bill provides a more equitable method of financing services.

Mike Young, Finance Director for the City of Missoula, stated his support of the bill.

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. He said it would provide county commissioners with the authority to consider entering into regional jail facilities.

Jim Wysocki, Bozeman City Manager, stated his support of the bill.

Representative Paul Pistoria, District #36, stated his support of the bill. He submitted a proposed amendment to include animal control programs in the bill. The proposed amendment is attached as Exhibit B to these minutes.

OPPONENTS

Julie Hacker, representing the Missoula County Freeholders' Association, spoke in opposition to the bill. Her written testimony is attached as Exhibit C to these minustes.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th
~~XXXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-7-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓		
28	Senator Mohar, John (V.Chair)	✓		
4	Senator Pinsoneault, Dick	✓		
19	Senator Regan, Pat	✓ late		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 7 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 196

THIRD reading copy (BLUE color)

ABOLISH POPULATION LIMITATION FOR DISPENSING WITH NONPARTISAN PRIMARY

Respectfully report as follows: That HOUSE BILL No. 196

BE CONCURRED IN

~~XXXXXXX DO PASS~~

~~XXXXXXXXXX DO NOT PASS~~

Senator Dave Fuller Chairman.